

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	21-CR-499-05 (PAE)
	:	
DAVON MIAL,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
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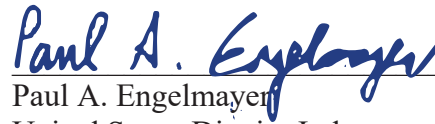
PAUL A. ENGELMAYER, District Judge:

Jury selection in this matter is scheduled to begin on October 17, 2022. The Government has moved this Court to implement certain security measures designed to protect from disclosure the true identity of an undercover law enforcement officer expected to testify at trial. *See* Dkt. 209. Specifically, the Government requests that the courtroom remain closed to members of the public, subject to certain exceptions, during this officer’s testimony. The Government has provided a proposed order, at Dkt. 209, which is currently under the Court’s consideration.

The public and press have a qualified First Amendment right to attend criminal trials. *See United States v. Alcantara*, 396 F.3d 189, 194 (2d Cir. 2005). In order to close a proceeding to which such a right of access attaches, the Court must provide notice to the public, so as to ensure a meaningful opportunity for comment from persons other than the litigants. *Id.* at 199. Accordingly, before deciding this motion, the Court wishes to afford members of the public and the press an opportunity to comment on and/or object to the Government’s proposed order.

The Court will entertain any such comments or objections at a public hearing scheduled for **Monday, October 3, 2022, at 10:30 a.m. in Courtroom 1305** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York.

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer", is written over a horizontal line.

Paul A. Engelmayer
United States District Judge

Dated: September 28, 2022
New York, New York